

AMENDED IN ASSEMBLY MAY 27, 2008

AMENDED IN SENATE APRIL 16, 2008

AMENDED IN SENATE APRIL 7, 2008

SENATE BILL

No. 1186

**Introduced by Senator Scott
(Coauthor: Senator Romero)**

February 12, 2008

An act to amend Sections 44225.7, 44252, 44252.5, 44380, 44385, 44500, 44560, 44561, 44830, and 44831 of, and to add Section 44253.12 to, the Education Code, relating to teachers.

LEGISLATIVE COUNSEL'S DIGEST

SB 1186, as amended, Scott. Teachers.

(1) Existing law requires the governing board of a school district to employ for positions requiring certification qualifications only persons who possess the qualifications for those positions. Existing law authorizes the Commission on Teacher Credentialing to waive provisions governing the preparation or licensing of educators in certain situations. If a suitable fully prepared teacher is not available to the school district, the district is required to make reasonable efforts to recruit first a credential candidate who is scheduled to complete initial preparation requirements within 6 months and then a candidate who is qualified to participate in an approved internship program in the region of the school district.

This bill would instead require a school district that seeks a waiver of provisions governing the preparation or licensing of educators ~~that is unable to place a fully prepared teacher at a school site~~ to recruit first ~~a candidate who is scheduled to complete preliminary credential~~

~~requirements within 6 months and then a candidate who is qualified to participate and enrolls in an approved internship program in the region of the school district and then a candidate who is scheduled to complete preliminary credential requirements within 6 months. The commission would be required to assure that the employer will provide orientation, guidance, and assistance to the candidate.~~

(2) Existing law requires the Commission on Teacher Credentialing to establish standards and procedures for the initial issuance and renewal of teaching credentials. The commission is prohibited from initially issuing a credential, permit, certificate, or renewal of an emergency credential to a person to serve in the public schools unless the person demonstrates proficiency in basic reading, writing, and mathematics skills in the English language by passing the state basic skills proficiency test, unless the applicant is exempted. The Superintendent of Public Instruction is required, by July 31, 2007, to establish passing scores for the Graduate Record Examinations, the Scholastic Aptitude Test Reasoning Test, and the ACT Plus Writing test that would be substituted for a passing score on the state basic skills proficiency test. *A school district is authorized to hire a certificated teacher who has not taken the state basic skills proficiency test if the person has not been afforded an opportunity to take the test.*

This bill would exempt from the state basic skills proficiency test ~~an applicant who possesses a master's degree or higher degree from a regionally accredited institution of higher education,~~ an applicant for an eminence credential; and an applicant who achieves scores on the writing, reading, and mathematics sections of the College Board SAT Reasoning Test, the enhanced ACT English and mathematics tests, or the California State University Early Assessment Program that are sufficient to waive the English placement test and the entry level mathematics examination administered by the California State University. The bill would delete the requirement that the Superintendent establish passing scores on the specified tests that would be substituted for a passing score on the state basic skills proficiency test. *The bill would extend the authority to hire a certificated teacher who has not been afforded an opportunity to take the state basic skills proficiency test to county offices of education and would apply this exemption to certificated personnel rather than certificated teachers.*

The bill would make technical changes and delete obsolete provisions regarding the state basic skills proficiency test and holders of specified designated subjects credentials.

~~(3) Existing law authorizes the commission to issue a certificate that authorizes the holder to provide instruction for English language development and specially designed content instruction delivered in English and sets forth the minimum requirements for the certificate.~~

~~This bill would authorize the commission also to issue the certificate to an applicant who possesses a valid California teaching credential and holds specified certificates on English as a New Language issued by the National Board for Professional Teaching Standards.~~

~~(4)~~

~~(3) Existing law establishes a grant program for qualifying school districts, county offices of education, colleges, and universities that operate alternative certification programs designed to lead to a permanent credential. Alternative certification programs are required to address geographic and subject matter shortage areas and be targeted toward people with work experience and others who already have a bachelor's degree in the field in which they plan to teach. Criteria for selecting grant applicants is required to be limited to specified factors, including geographic distribution and the number of participants to be served. A legislative finding regarding the need for the program states that there is a serious shortage of qualified teachers in the subjects of mathematics, science, and technology, of teachers who work with limited-English-proficient pupils, and of minority teachers.~~

~~This bill would delete teachers of technology from the legislative finding that there is a serious shortage of qualified teachers and would add special education teachers to that legislative finding. Geographic distribution would be deleted from the criteria for selecting grantees. The criteria for selecting grantees would be required to include the number of credentialed teachers at each schoolsite where interns will be assigned and the capacity of the grantee to provide mentoring support and assistance to interns.~~

~~(5) Existing law establishes the California Peer Assistance and Review Program for Teachers and sets forth principles that are required to be included in a locally developed program.~~

~~This bill would require that first priority for participation in the program be given to teachers with a valid professional clear credential or a Level II Education Specialist credential who have volunteered to participate in the program or have been referred for participation in the program as a result of a specified evaluation.~~

~~(6)~~

(4) Existing law establishes the Certificated Staff Mentoring Program for the purpose of encouraging experienced teachers to teach in staff priority schools and to assist teacher interns during their induction and first years of teaching. In order to be eligible for program funding, a school district is required to agree to, among other things, to provide an annual salary stipend to each mentor teacher who agrees to teach in certain priority schools.

This bill would include in the purpose of the program encouraging experienced teachers ~~are~~ to assist beginning teachers and require a school district, in addition to existing funding requirements, to assure that each experienced teacher receiving a stipend as a certificated staff mentor is providing mentoring and support services *first* to candidates participating in alternative certification programs ~~or and then to~~ beginning teachers participating in a Beginning Teacher Support and Assessment (BTSA) program. A school district would be authorized to assign teachers who serve as support providers in alternative certification or BTSA programs as certificated staff mentors.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 44225.7 of the Education Code is
2 amended to read:
3 44225.7. (a) The commission may approve a school district
4 request for the assignment of an individual pursuant to subdivision
5 (m) of Section 44225 or Section 44300 if the district has certified
6 by an annual resolution of the governing board that it has made
7 reasonable efforts to recruit a fully prepared teacher for the
8 assignment. ~~If the a suitable fully prepared teacher is not available~~
9 ~~to a school district is unable to place a fully prepared teacher at a~~
10 ~~schoolsite,~~ the district *under all circumstances* shall make
11 reasonable efforts to recruit an individual for the assignment, in
12 the following order:
13 (1) *A candidate who is qualified to participate and enrolls in*
14 *an approved internship program in the region of the school district.*
15 ~~(1)~~
16 (2) *A candidate who is scheduled to complete preliminary*
17 *credential requirements within six months. The commission shall*

1 *assure that the employer will provide orientation, guidance, and*
2 *assistance to the candidate.*

3 ~~(2) A candidate who is qualified to participate in an approved~~
4 ~~internship program in the region of the school district.~~

5 (b) If a suitable individual who meets the priorities listed in
6 subdivision (a) is not available to the school district, the district,
7 as a last resort, may request approval for the assignment of a person
8 who does not meet that criteria.

9 (c) As the supply of teaching interns increases as a result of
10 legislative efforts to expand the Alternative Certification Program,
11 the commission shall notify school districts that state policy directs
12 the assignment of interns to classrooms when available in a given
13 region, with decreased reliance on persons serving on emergency
14 permits or credential waivers.

15 (d) As the supply of fully prepared teachers increases as a result
16 of the Legislature's efforts to recruit and retain qualified teachers
17 for California classrooms, the commission shall notify school
18 districts that state policy directs the assignment of fully prepared
19 teachers to California classrooms, with the use of permits or
20 waivers only when school districts are geographically isolated
21 from teacher preparation programs or in the case of unanticipated,
22 short-term need for the assignment of personnel.

23 (e) As used in this section, a "fully prepared teacher" means an
24 individual who has completed a teacher preparation program. For
25 purposes of this subdivision, a "teacher preparation program"
26 means either a set of courses, including supervised field experience,
27 or an equivalent alternative program, that provides a curriculum
28 of systematic preparation for serving as an educator in California
29 public schools.

30 SEC. 2. Section 44252 of the Education Code is amended to
31 read:

32 44252. (a) The commission shall establish standards and
33 procedures for the initial issuance and renewal of credentials.

34 (b) The commission shall not issue initially a credential, permit,
35 certificate, or renewal of an emergency credential to a person to
36 serve in the public schools unless the person has demonstrated
37 proficiency in basic reading, writing, and mathematics skills in
38 the English language as provided in Section 44252.5 or Section
39 44252.7. The commission shall exempt the following persons from
40 the basic skills proficiency test requirement:

1 (1) A person credentialed solely for the purpose of teaching
2 adults in an apprenticeship program.

3 (2) An applicant for an adult education designated subject
4 credential for other than an academic subject.

5 (3) A person credentialed in another state who is an applicant
6 for employment in a school district in this state who has passed a
7 basic skills proficiency examination administered by the state
8 where the person is credentialed.

9 (4) A person credentialed in another state who is an applicant
10 for employment in a school district in this state who has passed a
11 basic skills proficiency examination that has been developed and
12 administered by the school district offering that person
13 employment, by cooperating school districts, or by the appropriate
14 county office of education. School districts administering a basic
15 skills proficiency examination under this paragraph shall comply
16 with the requirements of subdivision (h) of Section 44830. The
17 applicant shall be granted a nonrenewable credential, valid for not
18 longer than one year, pending fulfillment of the basic skills
19 proficiency requirement pursuant to Section 44252.5.

20 (5) An applicant for a child care center permit or a permit
21 authorizing service in a development center for the handicapped,
22 so long as the holder of the permit is not required to have a
23 baccalaureate degree.

24 (6) The holder of a credential, permit, or certificate to teach,
25 other than an emergency permit, who seeks an additional
26 authorization to teach.

27 (7) An applicant for a credential to provide service in the health
28 profession.

29 ~~(8) An applicant who possesses a master's degree or higher~~
30 ~~degree from a regionally accredited institution of higher education.~~

31 ~~(9)–~~

32 (8) An applicant who achieves scores on the writing, reading,
33 and mathematics sections of the College Board SAT Reasoning
34 Test, the enhanced ACT Test, or the California State University
35 Early Assessment Program that are sufficient to waive the English
36 placement test and the entry level mathematics examination
37 administered by the California State University.

38 ~~(10)–~~

39 (9) An applicant for an eminence credential to be issued pursuant
40 to Section 44262.

1 (c) The Superintendent shall adopt an appropriate state test to
2 measure proficiency in these basic skills. In adopting the test, the
3 Superintendent shall seek assistance from the commission and an
4 advisory board. A majority of the members of the advisory board
5 shall be classroom teachers. The board also shall include
6 representatives of school boards, school administrators, parents,
7 and postsecondary educational institutions.

8 The Superintendent shall adopt a normed test that the
9 Superintendent determines will sufficiently test basic skills for
10 purposes of this section.

11 The Superintendent, in conjunction with the commission and
12 approved teacher training institutions, shall take steps necessary
13 to ensure the effective implementation of this section.

14 (d) This section does not require the holders of, or applicants
15 for, a designated subjects special subjects credential to pass the
16 state basic skills proficiency test unless the requirements for the
17 specific credential required the possession of a baccalaureate
18 degree. The governing board of each school district, or each
19 governing board of a consortium of school districts, or each
20 governing board involved in a joint powers agreement, which
21 employs a holder of a designated subjects special subjects
22 credential shall establish its own basic skills proficiency criteria
23 for the holders of these credentials and shall arrange for those
24 individuals to be assessed. The basic skills proficiency criteria
25 established by the governing board shall be at least equivalent to
26 the test required by the district, or in the case of a consortium or
27 a joint powers agreement, by any of the participating districts, for
28 graduation from high school. The governing board or boards may
29 charge a fee to individuals being tested to cover the costs of the
30 test, including the costs of developing, administering, and grading
31 the test.

32 (e) The commission shall compile data regarding the rate of
33 passing the state basic skills proficiency test by persons who have
34 been trained in various institutions of higher education. The data
35 shall be available to members of the public, including to persons
36 who intend to enroll in teacher education programs.

37 (f) Each applicant to an approved credential program, unless
38 exempted by subdivision (b), shall take the state basic skills
39 proficiency test in order to provide both the prospective applicant
40 and the program with information regarding the proficiency level

1 of the applicant. Test results shall be forwarded to each California
2 postsecondary educational institution to which the applicant has
3 applied. The program shall use test results to ensure that, upon
4 admission, each applicant receives appropriate academic assistance
5 necessary to pass the state basic skills proficiency test. Persons
6 residing outside the state shall take the test no later than the second
7 available administration following their enrollment in a credential
8 program.

9 It is the intent of the Legislature that applicants for admission
10 to teacher preparation programs not be denied admission on the
11 basis of state basic skills proficiency test results.

12 SEC. 3. Section 44252.5 of the Education Code is amended to
13 read:

14 44252.5. (a) The commission shall administer the state basic
15 skills proficiency test pursuant to Sections 44227, 44252, and
16 44830 in accordance with rules and regulations adopted by the
17 commission. A fee shall be charged to individuals being tested to
18 cover the costs of the test, including the costs of developing,
19 administering, and grading the test. The amount of the fee shall
20 be established by the commission to recover the cost of
21 examination administration and development pursuant to Section
22 44235.3.

23 (b) The commission may enter into agreements with other states
24 permitting the use of the state basic skills proficiency test as a
25 requirement for the issuance of credentials or for teacher
26 preparation program admission in those other states, provided that
27 the use would advance the interests of the State of California and
28 that the other states reimburse the Teacher Credentials Fund for a
29 proportionate share of costs of the development and administration
30 of the test.

31 (c) An individual who passes the state basic skills proficiency
32 test, as adopted by the Superintendent, shall be considered
33 proficient in the skills of reading, writing, and mathematics, and
34 shall not be required to be retested by this test for purposes of
35 meeting the proficiency requirements of Sections 44227, 44252,
36 and 44830.

37 (d) An individual who passes one or more components of the
38 state basic skills proficiency test in the subjects of basic reading,
39 writing, or mathematics shall be deemed to have demonstrated his
40 or her proficiency in these subject areas and shall not be required

1 to be retested in these subjects during subsequent test
2 administrations.

3 ~~SEC. 4. Section 44253.12 is added to the Education Code, to~~
4 ~~read:~~

5 ~~44253.12. The commission may issue a certificate that~~
6 ~~authorizes the holder to provide instruction as specified in Section~~
7 ~~44253.3 if the applicant possesses a valid California teaching~~
8 ~~credential and holds either of the following certificates issued by~~
9 ~~the National Board for Professional Teaching Standards:~~

10 ~~(a) Early and Middle Childhood/English as a New Language~~
11 ~~Certificate.~~

12 ~~(b) Early Adolescence through Young Adulthood/English as a~~
13 ~~New Language Certificate.~~

14 ~~SEC. 5.~~

15 ~~SEC. 4. Section 44380 of the Education Code is amended to~~
16 ~~read:~~

17 ~~44380. (a) The Legislature finds and declares that the teaching~~
18 ~~profession must be able to recruit talented individuals, in addition~~
19 ~~to college students, from a variety of sources to address geographic~~
20 ~~and subject area shortages. Many persons changing careers and~~
21 ~~early retirees from industry and the military are interested in the~~
22 ~~challenge of teaching.~~

23 ~~(b) The Legislature further finds that, in California, there is a~~
24 ~~serious shortage of qualified teachers in the subjects of mathematics~~
25 ~~and science, teachers who work with limited-English-proficient~~
26 ~~pupils, minority teachers, and special education teachers.~~

27 ~~(c) Therefore, in enacting this article, the Legislature intends~~
28 ~~to encourage public school districts, county offices of education,~~
29 ~~and colleges and universities to design concentrated programs~~
30 ~~leading to a permanent credential for people with work experience~~
31 ~~and others who already have a bachelor's degree.~~

32 ~~SEC. 6.~~

33 ~~SEC. 5. Section 44385 of the Education Code is amended to~~
34 ~~read:~~

35 ~~44385. The commission, with the assistance of representatives~~
36 ~~of classroom teachers, school administrators, parents, university~~
37 ~~and college educators, and others, as appropriate, shall establish~~
38 ~~criteria for selecting grant applicants to be funded. The criteria~~
39 ~~shall include the following:~~

1 (a) The demonstrated need for more credentialed teachers within
2 each school district included in the application.

3 (b) The number of participants to be served and the number of
4 credentialed teachers at each schoolsite where interns will be
5 assigned, including teachers serving as certificated staff mentors
6 pursuant to Section 44560.

7 (c) The capacity of the school districts included in the
8 application to provide mentoring support and assistance to intern
9 teachers.

10 (d) The quality of the instruction, support, and assessment that
11 will be available to interns, as evidenced by the response of the
12 applicant to the commission's standards of quality and effectiveness
13 for preparation programs.

14 (e) The cost-effectiveness of the program.

15 ~~SEC. 7. Section 44500 of the Education Code is amended to~~
16 ~~read:~~

17 ~~44500. (a) There is hereby established the California Peer~~
18 ~~Assistance and Review Program for Teachers. The governing board~~
19 ~~of a school district and the exclusive representative of the~~
20 ~~certificated employees in the school district may develop and~~
21 ~~implement a program authorized by this article that meets local~~
22 ~~conditions and conforms with the principles set forth in subdivision~~
23 ~~(b):~~

24 ~~(b) The following principles, at a minimum, shall be included~~
25 ~~in a locally developed program authorized by this article:~~

26 ~~(1) A teacher participant shall be a permanent employee in a~~
27 ~~school district with 250 or greater units of average daily attendance~~
28 ~~or a permanent or probationary employee in a school district with~~
29 ~~fewer than 250 units of average daily attendance and volunteer to~~
30 ~~participate in the program or be referred for participation in the~~
31 ~~program as a result of an evaluation performed pursuant to~~
32 ~~subdivision (c) of Section 44664. In addition, teachers receiving~~
33 ~~assistance may be referred pursuant to a collectively bargained~~
34 ~~agreement.~~

35 ~~(2) First priority for participation in the program shall be given~~
36 ~~to teachers with a valid professional clear credential or a Level II~~
37 ~~Education Specialist credential who have volunteered to participate~~
38 ~~in the program or have been referred for participation in the~~
39 ~~program as a result of an evaluation performed pursuant to~~
40 ~~subdivision (c) of Section 44664.~~

1 ~~(3) Performance goals for an individual teacher shall be in~~
2 ~~writing, clearly stated, aligned with pupil learning, and consistent~~
3 ~~with Section 44662.~~

4 ~~(4) Assistance and review shall include multiple observations~~
5 ~~of a teacher during periods of classroom instruction.~~

6 ~~(5) The program shall expect and strongly encourage a~~
7 ~~cooperative relationship between the consulting teacher and the~~
8 ~~principal with respect to the process of peer assistance and review.~~

9 ~~(6) The school district shall provide sufficient staff development~~
10 ~~activities to assist a teacher to improve his or her teaching skills~~
11 ~~and knowledge.~~

12 ~~(7) The program shall have a monitoring component with a~~
13 ~~written record.~~

14 ~~(8) The final evaluation of a teacher's participation in the~~
15 ~~program shall be made available for placement in the personnel~~
16 ~~file of the teacher receiving assistance.~~

17 ~~SEC. 8.~~

18 ~~SEC. 6.~~ Section 44560 of the Education Code is amended to
19 read:

20 44560. (a) The Certificated Staff Mentoring Program is hereby
21 established for the purpose of encouraging excellent, experienced
22 teachers to teach in staff priority schools and to assist ~~beginning~~
23 ~~teachers and~~ teacher interns *and beginning teachers* during their
24 induction and first years of teaching.

25 (b) The Superintendent shall apportion funds appropriated for
26 purposes of this program to participating school districts and shall
27 determine the amount to be allocated, based on the number of
28 experienced teachers eligible to receive stipends. The total amount
29 allocated under this article shall not exceed the total amount
30 appropriated for the purposes of this article in the annual Budget
31 Act.

32 ~~SEC. 9.~~

33 ~~SEC. 7.~~ Section 44561 of the Education Code is amended to
34 read:

35 44561. (a) A school district that maintains classes in
36 kindergarten or any of grades 1 to 12, inclusive, may apply for
37 reimbursement under this article if it meets the conditions of
38 subdivision (b).

39 (b) To be eligible for funding under this article, a school district
40 must agree to do all of the following:

(1) Provide an annual salary stipend to each experienced mentor teacher that agrees to teach in a staff priority school, as defined in subdivision (d), and meets the criteria and performs services in accordance with Section 44562.

(2) Assure that each experienced teacher receiving a stipend as a certificated staff mentor is providing mentoring and support services *first* to candidates participating in alternative certification programs pursuant to Article 11 (commencing with Section 44380) of Chapter 2 ~~or~~ *and then to* beginning teachers participating in a Beginning Teacher Support and Assessment program pursuant to Article 4.5 (commencing with Section 44279.1) of Chapter 2. A school district may assign teachers who serve as support providers in programs established pursuant to Article 11 (commencing with Section 44380) of Chapter 2 or Article 4.5 (commencing with Section 44279.1) of Chapter 2 as certificated staff mentors.

(3) Assure that the experienced teacher has received training to serve as a mentor or has served previously in a mentor capacity in programs for new teachers, including, but not limited to, induction and university or district intern programs.

(4) Assure that the experienced teacher will have adequate time and material resources to provide assistance to beginning teachers as specified in subdivision (a) of Section 44562.

(c) The annual allocation to a school district under this article shall be a reimbursement to the district for the cost of stipends actually provided to experienced mentor teachers that meet the criteria and perform services in accordance with Section 44562. In addition, a school district receiving reimbursement of stipend costs shall be entitled to an amount equal to 5 percent of the total stipend reimbursement for administrative costs.

(d) For purposes of this article, “staff priority school” means a school that meets either of the following conditions:

(1) A school that has an aggregate Academic Performance Index, established pursuant to Section 52052, score that was at or below the 30th percentile relative to other public schools in the state in any of the five previous school years.

(2) A juvenile court school, county community school, or community day school operated by a county office of education.

~~SEC. 10.~~

SEC. 8. Section 44830 of the Education Code is amended to read:

1 44830. (a) The governing board of a school district shall
2 employ for positions requiring certification qualifications, only
3 persons who possess the qualifications for those positions
4 prescribed by law. It is contrary to the public policy of this state
5 for a person or persons charged, by the governing boards, with the
6 responsibility of recommending persons for employment by the
7 boards to refuse or to fail to do so for reasons of race, color,
8 religious creed, sex, or national origin of the applicants for that
9 employment.

10 (b) The governing board of a school district shall not initially
11 hire on a permanent, temporary, or substitute basis a certificated
12 person seeking employment in the capacity designated in his or
13 her credential unless that person has demonstrated basic skills
14 proficiency as provided in Section 44252.5 or is exempted from
15 the requirement by subdivision (c), (d), (e), (f), (g), (h), (i), (j), or
16 (k).

17 (1) The governing board of a school district, with the
18 authorization of the Commission on Teacher Credentialing, may
19 administer the state basic skills proficiency test required under
20 Sections 44252 and 44252.5.

21 (2) The Superintendent, in conjunction with the commission
22 and local governing boards, shall take steps necessary to ensure
23 the effective implementation of this subdivision.

24 It is the intent of the Legislature that in effectively implementing
25 this subdivision, the governing boards of school districts shall
26 direct superintendents of schools to prepare for emergencies by
27 developing a pool of qualified emergency substitute teachers. This
28 preparation shall include public notice of the test requirements and
29 of the dates and locations of administrations of the tests. The
30 governing board of a school district shall make special efforts to
31 encourage individuals who are known to be qualified in other
32 respects as substitutes to take the state basic skills proficiency test
33 at its earliest administration.

34 (3) Demonstration of proficiency in reading, writing, and
35 mathematics by a person pursuant to Section 44252 satisfies the
36 requirements of this subdivision.

37 (c) A certificated person is not required to take the state basic
38 skills proficiency examination if he or she has taken and passed it
39 at least once, achieved a passing score on any of the tests specified

1 in subdivision (b) of Section 44252, or possessed a credential
2 before the enactment of the statute that made the test a requirement.

3 (d) This section does not require a person employed solely for
4 purposes of teaching adults in an apprenticeship program, approved
5 by the Apprenticeship Standards Division of the Department of
6 Industrial Relations, to pass the state proficiency assessment
7 instrument as a condition of employment.

8 (e) This section does not require the holder of a child care permit
9 or a permit authorizing service in a development center for the
10 handicapped to take the state basic skills proficiency test, so long
11 as the holder of the permit is not required to have a baccalaureate
12 degree.

13 (f) This section does not require the holder of a credential issued
14 by the commission who seeks an additional credential or
15 authorization to teach, to take the state basic skills proficiency test.

16 (g) This section does not require the holder of a credential to
17 provide service in the health profession to take the state basic skills
18 proficiency test if that person does not teach in the public schools.

19 (h) This section does not require the holder of a designated
20 subjects special subjects credential to pass the state basic skills
21 proficiency test as a condition of employment unless the
22 requirements for the specific credential require the possession of
23 a baccalaureate degree. The governing board of each school district,
24 or each governing board of a consortium of school districts, or
25 each governing board involved in a joint powers agreement, which
26 employs the holder of a designated subjects special subjects
27 credential shall establish its own basic skills proficiency for these
28 credentials and shall arrange for those individuals to be assessed.
29 The basic skills proficiency criteria established by the governing
30 board shall be at least equivalent to the test required by the district,
31 or in the case of a consortium or a joint powers agreement, by any
32 of the participating districts, for graduation from high school. The
33 governing board or boards may charge a fee to individuals being
34 tested to cover the costs of the test, including the costs of
35 developing, administering, and grading the test.

36 (i) This section does not require the holder of a preliminary or
37 professional clear designated subjects career technical education
38 teaching credential to pass the state basic skills proficiency test.

39 (j) This section does not require certificated personnel employed
40 under a foreign exchange program to take the state basic skills

1 proficiency test. The maximum period of exemption under this
2 subdivision shall be one year.

3 (k) Notwithstanding any other law, a school district *or county*
4 *office of education* may hire ~~a certificated teacher who has~~
5 *personnel who have* not taken the state basic skills proficiency test
6 if that person has not yet been afforded the opportunity to take the
7 test. The person shall take the test at the earliest opportunity and
8 may remain employed by the school district pending the receipt
9 of his or her test results.

10 ~~SEC. 11.~~

11 *SEC. 9.* Section 44831 of the Education Code is amended to
12 read:

13 44831. The governing board of a school district shall employ
14 persons in public school service requiring certification
15 qualifications as provided in this code, except that the governing
16 board or a county office of education may contract with or employ
17 an individual who holds a license issued by the Speech-Language
18 Pathology and Audiology Board and has earned a masters degree
19 in communication disorders to provide speech and language
20 services if that individual meets the requirements of Section
21 44332.6 before employment or execution of the contract.